

OFFICIAL COPY

Fresno, California

March 9, 1999

The Council of the City of Fresno met in regular session at the hour of 9:05 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Dean Rutherford, Northside Christian Church, gave the invocation.

Councilmember Ronquillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF MEDIATION WEEK)

Read and presented.

PROCLAMATION OF ARBOR DAY)

Read and proclaimed. No one present to accept.

PROCLAMATION FOR POLICE CHAPLAIN DALE MCNEIL - MAYOR)
PATTERSON)

Read and presented.

PROCLAMATION OF TOWER DISTRICT MARKETING COMMITTEE DAY)

Read and presented.

PROCLAMATION OF LARRY SHEHADEY DAY - RECIPIENT OF THE PETERS)
AWARD - COUNCILMEMBER RONQUILLO)

Read and presented.

133-127 3/9/99
RESOLUTION OF COMMENDATION TO THE CHICANO YOUTH CENTER -)

COUNCILMEMBER RONQUILLO)

Read and presented.

PROCLAMATION OF MS. PAT BARR DAY, HIGH SCHOOL TEACHER OF THE)
YEAR, DUNCAN POLYTECHNICAL HIGH SCHOOL - PRESIDENT STEITZ)

Read and presented.

PROCLAMATION OF CAROL ROBERSON DAY, MIDDLE SCHOOL TEACHER)
OF THE YEAR - COUNCILMEMBER BREDEFELD)

Read and presented.

RESOLUTION OF COMMENDATION TO KASTNER LEADERSHIP STUDENTS -)
COUNCILMEMBERS BREDEFELD AND MATHYS)

Presented.

RESOLUTION OF COMMENDATION TO LOCAL BUSINESSES WHO)
CONTRIBUTED TO THE ESTABLISHMENT OF A NEIGHBORHOOD)
POLICING STATION IN PINEDALE - ACTING PRESIDENT MATHYS)

Presented. (2 - 0)

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APPROVE MINUTES OF MARCH 2, 1999)

The minutes of March 2, 1999, were approved as submitted and subsequently amended during approval of the agenda. See "Approve Agenda".

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APPROVE AGENDA:

(3A) STATUS REPORT FROM STAFF REGARDING FORECLOSURE ACTION)
AGAINST FRESNO PACIFIC TOWERS INC./SECURITY BANK BUILDING)
(TO BE DISCUSSED AFTER CLOSED SESSION))

At the request of Councilmember Ronquillo and with Council consensus, the matter set for 2:30 p.m. to allow for the building owner to appear and present testimony.

(3B) *BILL NO. B-11 - AMENDING SECTION 8-125 OF THE FRESNO MUNICIPAL CODE RELATING TO EXPOSURE OF TOBACCO PRODUCTS TO MINORS)
(*ALTERNATIVE 2 - EXEMPTING CIGAR AND PIPE TOBACCO STORES*) -)
COUNCILMEMBERS PEREA AND BREDEFELD)

At the request of Councilmember Perea and with Council consensus, the above matter set for 10:00 a.m. #2, prior to the 10:00 a.m. workshop.

PASSING OF COMMUNITY LEADER ROSA KELLY AND REQUEST FOR)
MOMENT OF SILENCE - COUNCILMEMBER QUINTERO)

Moment of silence observed in memory of Mrs. Kelly.

AMENDMENT TO MINUTES OF MARCH 2, 1999 - COUNCILMEMBER)
BREDEFELD)

The minutes of March 2nd were approved, as amended, on Page 133-113, second paragraph, correcting Councilmember Bredefeld making the second to Councilmember Perea's motion instead of Acting President Mathys.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1B-1) BILL - AMENDING FRESNO MUNICIPAL CODE SECTION 2-1726 AND)
2-1726(A), RELATING TO MANDATORY RETIREMENT AGE PROCEDURE)

City Clerk Klisch advised the above issue contained two alternatives/options for consideration. So noted and corrected.

(1A-1) *RESOLUTION NO. 99-60 - 11TH AMENDMENT TO SALARY RES. 98-161)
AMENDING THE UPPER LIMIT OF THE E-3 EXECUTIVE PAY RANGE)

(1A-2) APPROVE REQUEST FOR A SERVICE EXTENSION PAST AGE 60 FOR)
FIREFIGHTER SPECIALIST WILLIAM L. FIORI)

133-129 3/9/99
(1A-3) RESOLUTION NO. 99-61 - APPROVING THE APPLICATION FOR)

GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF)
CONSERVATION, DIVISION OF RECYCLING, FOR AN EDUCATION)
PROGRAM TO PROMOTE AND INCREASE THE RECYCLING OF SINGLE-)
SERVE BEVERAGE CONTAINERS 20 OUNCES OR LESS AND TO QUANTIFY)
AND ANALYZE WHERE SUCH CONTAINERS ARE PURCHASED AND SOLD;)
IDENTIFYING THE INDIVIDUALS AUTHORIZED TO EXECUTE AGREE-)
MENTS AND CONTRACTS TO EXECUTE THE PROJECT; AND ANNOUNCING)
THE CITY'S OFFICIAL INTENTION TO MAINTAIN SUCH A PROGRAM)
AFTER GRANT FUNDS HAVE BEEN DISCONTINUED)

(1A-4) RESOLUTION NO. 99-62 - DEDICATING CERTAIN CITY-OWNED)
PROPERTY AS AN EASEMENT FOR PUBLIC STREET PURPOSES, PROPERTY)
LOCATED AT WEST AND JENSEN AVENUES)

(1A-5) RESOLUTION NO. 99-63 - DEDICATING CERTAIN CITY-OWNED)
PROPERTY AS AN EASEMENT AND RIGHT-OF-WAY FOR WATER MAIN)
PURPOSES, PROPERTY LOCATED ON THE WEST SIDE OF FRESNO)
STREET SOUTH OF SHIELDS AVENUE)

(1A-6) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVI-)
SIONS FOR TWO ONE-YEAR EXTENSIONS TO TWINING LABORATORIES)
IN THE ESTIMATED AMOUNT OF \$215,184.90 FOR LABORATORY SERVICES)
FOR ANALYSIS OF WATER, WASTEWATER, AND BIOSOLIDS)

(1A-7) DECLARE IT A MINOR IRREGULARITY THAT THE ANNUAL)
RENEWAL OF VULCAN CONSTRUCTION & MAINTENANCE'S STATE-)
MENT OF QUALIFICATIONS WAS NOT ON FILE AT THE TIME OF THE)
BID OPENING BUT WAS PROVIDED IMMEDIATELY UPON REQUEST; AND)
AWARD A CONTRACT TO VULCAN CONSTRUCTION & MAINTENANCE IN)
THE ESTIMATED AMOUNT OF \$124,924 TO CONSTRUCT WELL SITE)
IMPROVEMENTS AT PUMP STATIONS 14A, 68, 102, 219 AND 220)

(1A-8) APPROVE EXTENSION OF A TEMPORARY USE PERMIT ISSUED BY)
THE CITY TO GLOBE AVIATION SECURITY SERVICES, INC., TO OCCUPY)
PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT)

(1A-9) RESOLUTION NO. 99-64 - ACCEPTING THE GRANT OFFERS FROM)
THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT IMPROVE-)
MENT PROGRAM (AIP) PROJECT NO. 3-06-0087-29 AND ANY SUBSEQUENT)
FAA FY 99 ANNUAL ENTITLEMENT OR DISCRETIONARY GRANTS OFFERED)
PRIOR TO THE END OF THE 1999 FEDERAL FISCAL YEAR; AND AUTHORIZE)
THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE GRANT AGREE-)
MENT(S) DURING THE 1999 FEDERAL FISCAL YEAR (WHICH ENDS 9/30/99))

the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(9:30 A.M.) ADOPT RESOLUTIONS RELATING TO EXPANSION OF THE)
FRESNO ENTERPRISE ZONE (FEZ))
1. RESOLUTION NO. 99-65 - ADDING PPG INDUSTRIES, INC. IN THE)
PROXIMITY OF S. PEACH AND E. NORTH AVENUES TO THE FEZ)
(*CITY AND COUNTY ACTION*))
2. RESOLUTION NO. 99-66 - ADDING UNITED PARCEL SERVICE IN THE)
PROXIMITY OF S. MCKINLEY AVENUES AND FREEWAY 99 IN FEZ)
(*CITY ACTION*))
3. RESOLUTION NO. 99-67 - ADDING CERTIFIED AD IN THE PROXIMITY OF)
W. NEILSEN AND S. TEILMAN AVENUES (*CITY ACTION*))
4. RESOLUTION NO. 99-68 - ADDING PLEASANT MATTRESS COMPANY IN)
THE PROXIMITY OF W. MCKINEY AND S. TEILMAN AVENUES TO THE FEZ)
(*CITY ACTION*))
5. RESOLUTION NO. 99-69 - ADDING PAPPY'S FINE FOODS IN THE)
PROXIMITY OF E. FOUNTAIN WAY AND N. SABRE AVENUE TO THE FEZ)
(*CITY ACTION*))
6. RESOLUTION - ADDING THE FRESNO YOSEMITE INTERNATIONAL)
NORTHSIDE INDUSTRIAL PARK IN THE PROXIMITY OF N. PEACH AND)
E. DAKOTA AVENUES TO THE FEZ (*CITY ACTION*))
7. RESOLUTION - ADDING THE FRESNO YOSEMITE INTERNATIONAL)
AIR CARGO AREA IN THE PROXIMITY OF THE SHIELDS AVENUE)
DIAGONAL BETWEEN E. SHIELDS AND E. DAKOTA AVENUES TO THE)
FEZ (*CITY ACTION*))
8. RESOLUTION - ADDING THE FRESNO AIR TERMINAL REDEVELOP-)
MENT AREA (FATRA) IN THE PROXIMITY OF N. CLOVIS AND E. CLINTON)
AVENUES TO THE FEZ (*CITY ACTION*))

Economic Development Coordinator Webster reviewed the staff report as submitted; stated the resolutions were before Council due to dialog with interested companies and to support economic development in the city; and responded to questions of Acting President Mathys relative to benefits of developing in the Enterprise Zone (EZ), requirements for designating acreage, and designating a portion of Highway City. Acting President Mathys stated staff and Council should be careful about how much acreage would be given away and explained.

Tom Speck, Certified Ad, commented on his investment in his company and frustration over the past years in not being able to get into the EZ, stated the designation was now needed for an additional investment, and requested Council be prudent in designating acreage citing past history of designated properties sitting idle.

Councilmember Ronquillo expressed his concern with conflicting language in the staff report that properties would be held in abeyance until performance standards were met and language in the resolutions requesting the California Trade and Commerce Agency (CTCA) to approve the boundary amendments (#2), and with some of the proposed designations at this time, and made a motion to adopt Resolution Nos. 1, 2, 3, 4, and 5, and table Resolution Nos. 6, 7 and 8 for three weeks for further consideration and to obtain input from the business community, which was seconded and acted upon after additional discussion.

Councilmember Perea recommended Council develop a policy in the next three weeks which would designate property only when working with a specific industry. Mr. Webster and Mr. Speck responded to questions of Councilmember Boyajian relative to criteria for designations, current allowable allocation and what it was based on, ability to modify the allocation in the future, and Certified Ad's position.

City Manager Reid stated staff was anticipating activity in the areas proposed for designation, clarified if the resolutions were adopted as recommended, staff would not forward them to the CTCA until performance criteria was met adding the asset was widely sought and would benefit the City by telling industries the City was ready to go, and advised problems in the past of designating bare lands would not happen with Resolutions 6, 7 and 8 and explained.

Mr. Webster responded to questions of President Steitz relative to interest in the proposed areas, areas utilized in the south portion of the EZ, industrial areas, and designations contingent upon actual proposals. Councilmember Perea stated Council was moving in the right direction and reiterated the three weeks would give Council the opportunity to dialog with staff to establish a policy on how to allocate land.

By unanimous consent, debate on the issue was closed.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 1 through 5 adopted as Resolution Nos. 99-65, 99-66, 99-67, 99-68 and 99-69, and the above entitled Resolution Nos. 6, 7 and 8 tabled three weeks, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Councilmember Ronquillo requested the City Attorney provide an interpretation as to whether item No.2 in the resolutions and staff's report meant the same.

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(3B) *BILL NO. B-11 - ORDINANCE NO. 99-11 - AMENDING SECTION 8-125)
OF THE FRESNO MUNICIPAL CODE RELATING TO EXPOSURE OF TOBACCO)
PRODUCTS TO MINORS (*ALTERNATIVE 2 - EXEMPTING CIGAR AND PIPE*)
***TOBACCO STORES*) - COUNCILMEMBERS PEREA AND BREDEFELD)**

(3 - 0) On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-11 adopted as Ordinance No. 99-11, by the following vote:

		133-132	3/9/99
Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo	

Noes : Steitz
Absent : None

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(10:00 A.M.) WORKSHOP ON STRATEGIES FOR ADOPTING URBAN)
GROWTH BOUNDARY (UGM) LIMITS)

Planning Manager Yovino noted a complete staff report was before Council as requested; reviewed five principles in the report staff felt were important and should be considered; noted a boundary line was in currently in place since 1983 and did work; advised the City had not approved any urban development outside the boundary line since it had been in place; stated it was staff's conclusion that boundaries should be set by local elected officials and explained reasons therefore; and concluded stating the City should stay true to the current process, and improve it and move forward with it after the upcoming joint meeting.

Lengthy discussion ensued the importance of the joint meeting; need for a workshop on fundamentals of planning and a basis to work on; Council expressing their positions, concerns and ideas on growth; Mr. Yovino clarifying population growth projections; new development paying its total costs; preserving existing neighborhoods and developing in the inner-city; growth decisions made by local officials or voters; Alternative 10Z and its intent; annexations; strategies for incorporating inner-city areas; balanced growth; and suggested direction to staff. City Manager Reid responded, and addressed various issues raised by Council at length.

Councilmember Ronquillo responded to the City Manager's comments and stressed the importance of, and requested staff to look into, growing in and not out and explained. President Steitz noted the length of time that had been expended on the issue and questioned the will of Council on whether to spend additional time. **(4 - 0)** Councilmember Ronquillo expressed his concern and requested he be allowed to continue, whereupon President Steitz ruled Councilmember Ronquillo out of order. Upon question of President Steitz and by a vote of 6 to 1, with President Steitz opposing, Councilmember Ronquillo was allowed 3 additional minutes to speak. Councilmember Ronquillo continued briefly stating as Council made decisions on boundaries, all issues such as the Enterprise Zone actions taken earlier, needed to be taken into consideration as they all affected one another, stressed Council needed to rely on staff to give the right input to make the right decisions, and concluded stating he would continue to do what was best for the city so the city could grow efficiently and effectively, not stymie potential growth, and at the same time balance it with what was needed in the inner-city.

Mr. Reid and Mr. Yovino responded to questions of Councilmember Bredefeld relative to Friant, County projects, annexations, population growth projections, current holding capacity, and updating the General Plan. Councilmember Bredefeld reiterated projects such as Copper River, Quail Lake and Brighton Crest should not have been approved and the County should direct growth to urban areas as they have said they want to do, and explained.

Councilmember Perea concurred with the points made by Mr. Reid and Mr. Yovino that any development outside of approved boundaries be mutually agreed upon with the County and Clovis, and questioned the noticing process for the benefit of surrounding communities, with Mr. Yovino responding. President Steitz left the meeting at 11:34 a.m. and returned for the afternoon session. Referencing the need for cooperation between the City and County, Acting President Mathys stated Madera needed to be included.

Mathys relative to what the City could do to attract development/infill in the inner-city, with Mr. Harris recommending staff identify existing parcels that are currently “ripe” for redevelopment and come up with an inventory overlaying existing zoning patterns which could then be marketed.

****Visiting students from Roosevelt Elementary School were recognized and welcomed.**

Mr. Harris continued briefly with recommendations relative to the General Plan update and need for aggressive code enforcement for areas targeted for redevelopment.

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to inventory all vacant parcels within the city and report back in 30 days, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

Joni Johnson, Fresno Neighborhood Alliance, spoke to the growth issue and on the need for sustainable neighborhoods.

Councilmember Quintero briefly commented on the Landscape of Choice document, infill and the southeast area, and his satisfaction with Alternative 10Z and placing trust in staff.

Bob Maddox, on behalf of the Growth Alternatives Alliance, commended staff on their report, expressed support for the upcoming joint meeting, advised they would review and comment on 10Z as requested by staff, and stated his support for a workshop on planning as recommended by Councilmember Perea.

There was no further discussion.

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(11:00 A.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1B-1) BILL NO. B-12 - AMENDING FRESNO MUNICIPAL CODE SECTION)
2-1726 AND 2-1726(A), RELATING TO MANDATORY RETIREMENT AGE)
PROCEDURE <u>(OPTION 1)</u>)
a. BILL NO. B-13 - AMENDING FRESNO MUNICIPAL CODE SECTION)
2-1726 AND 2-1726(A), RELATING TO MANDATORY RETIREMENT AGE)
PROCEDURE <u>(OPTION 2)</u>)

Upon request of Councilmember Bredefeld, Labor Relations Manager Aguiniga reviewed the two options stating the first would eliminate any mandatory age for retirement, and the second option, which staff was recommending, would retain the mandatory retirement age of 65 but would eliminate the provision for annual service extension requests.

reviewed the background of the issue, and noted the fitness standards were determined to not be a viable option. A motion and second to introduce the ordinances was acted upon after additional comments.

Acting President Mathys commented on fitness standards and the differences between positions that are physically demanding and those that are not, and requested they be separated out. City Manager Reid reviewed the history of the issue, and clarified fitness standards were not recommended by the unions and were not at issue this date.

****Another visiting class from Roosevelt Elementary School was recognized and welcomed.**

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled Bill Nos. B-12 and B-13 introduced before the Council and laid over, by the following vote.

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

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RECESS - 12:09 P.M. - 12:35 P.M.

(12:00 NOON) JOINT MEETING WITH THE FRESNO METROPOLITAN)
FLOOD CONTROL DISTRICT - MEETING ROOM "A")

(1-0) The City Council met in joint session with the Fresno Metropolitan Flood Control District Board in Meeting Room "A" at the hour of 12:36 p.m.

FMFCD General Manager/Secretary Harrison conducted the meeting and utilized maps and overheads to illustrate issues. Topics discussed were: #1- FMFCD Systems Design (flood control and urban drainage systems), with Mr. Harrison and City Manager Reid responding to questions relative to updating drainage systems, plans, funding mechanisms, capital projects, and older neighborhood areas; #2 - Joint use of District facilities for recreation and recharge, with Acting President Mathys and Councilmember Bredefeld thanking the District for the dog park and Kaiser park basins, and the Board and Council commending Parks and Recreation Director Primavera; **(2-0)** #3 - District Systems Financing (flood control and urban drainage), with discussion ensuing on an already voter-approved \$.09 tax and need for a tax increase, and #4: Economic Development Strategic Plan.

Mr. Kennedy, representing the Adams Neighborhood Association, spoke to the issue of Basin XX and on the need for additional playgrounds in the area; and Jean Larson spoke on the issue of Basin JJ assessment district.

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The joint bodies adjourned at 1:45 p.m. and the City Council reconvened in regular session at 2:10 p.m. Councilmember Boyajian arrived later.

(5A) APPROVE REAPPOINTMENT OF DR. ROBERT SEGURA AND APPOINTMENT OF KEITH KELLEY TO THE HUMAN RELATIONS COMMISSION; AND APPOINTMENT OF ALAN MEINDERSEE TO THE WEST AREA COMMUNITY PLAN - COUNCILMEMBER BOYAJIAN)
)
)
)

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the reappointment/appointments of Dr. Robert Segura and Keith Kelley to the Human Relations Commission, and Alan Meindersee to the West Area Community Plan hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : Boyajian

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(5B) RESCIND 2/23/99, COUNCIL DIRECTION TO THE CITY MANAGER TO INSTALL PAVEMENT UNDULATIONS (SPEED BMPS) IN EACH DIRECTION ON COLE AVENUE BETWEEN AUDUBON AND MILLBROOK AVENUES - COUNCILMEMBER BREDEFELD)
)
)
)

(5 - 0) Upon question of Councilmember Bredefeld, City Attorney Montoy clarified since the issue had been vetoed by the Mayor, there was nothing to rescind and no action was required.

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(5C) RESOLUTION NO. 99-59 - SUPPORTING AND PARTNERING WITH THE FRESNO UNIFIED SCHOOL DISTRICT IN ESTABLISHING AFTER SCHOOL LEARNING PROGRAMS - COUNCILMEMBER PEREA)
)
)

Councilmember Perea briefly reviewed the issue and noted \$20,000 had already been allocated by Council and requested Council's support. A motion and second to adopt the resolution was acted upon after brief discussion on support for the program, one-time expenditure from the City, grant funds, and non-commitment of funds this date, with Councilmember Perea clarifying issues and responding to questions. Councilmember Boyajian arrived at 2:16 p.m.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-59 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(5D) *RESOLUTION NO. 99-70 - 75TH AMENDMENT TO AAR 98-159 APPRO-)
PRIATING \$200.00 FROM DISTRICT 3's GENERAL INFRASTRUCTURE)
CAPITAL BUDGET TO FUND A PORTION OF THE RENTAL OF THE)
VETERAN'S MEMORIAL AUDITORIUM FOR THE PEARLY-GROVE)
BAPTIST CHURCH - COUNCILMEMBER RONQUILLO)

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-70 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(5E) DIRECT THE CITY MANAGER TO OBTAIN BIDS FOR PAINTING THE)
ROEDING PARK LOCOMOTIVE AND INSTALLATION OF A WROUGHT IRON)
FENCE, AND REPORT BACK WITH BIDS IN TWO WEEKS - COUNCIL-)
MEMBER RONQUILLO)

Councilmember Ronquillo advised he visited the locomotive and it was in need of painting to get it to its past condition, and questioned if 2 weeks was enough time to obtain the requested information, with City Manager Reid advising without a funding source, seeking RFP's would not be effective and explained.

Acting President Mathys stated the issue should not be taken lightly and stressed the locomotive was in need of major restoration and should be done right. Councilmember Boyajian concurred and suggested the restoration be a community-wide project, commented on moving it downtown, and requested input from the Historical Society. Brief discussion ensued on restoration efforts and funding sources for painting as well as restoring. Councilmember Ronquillo clarified his intent was to restore the locomotive to its condition 10-15 years ago and stated the General Fund should be the funding source. A motion and second to approve direction as outlined was made.

A substitute motion of Acting President Mathys, seconded by Councilmember Bredefeld, to amend the language to obtain bids for *complete restoration* of the Roeding Park locomotive and installation of a wrought iron fence became the main motion, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : Ronquillo
Absent : None

Councilmember Ronquillo stated the City could not afford to completely restore the locomotive and reiterated his intent was to make the engine visibly attractive and restore it to its past condition. Acting President Mathys clarified complete restoration did not mean restoring the locomotive to running condition, but to preserve and restore it correctly for an indefinite amount of time.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Upon question, Mr. Reid stated he would send out the RFP and see what happened, and reiterated he did not think bidders would respond without an identified funding source.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Manager directed to obtain bids for complete restoration of the Roeding Park locomotive and installation of a wrought iron fence, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Boyajian, Steitz
Absent	:	None

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(5F) REQUEST THE CITY MANAGER TO PROVIDE A STUDY OF DOWNTOWN)
 PARKING TO COUNCIL BY 3/16/99; AND SCHEDULE A PUBLIC HEARING)
 REGARDING STUDY RESULTS ON 3/23/99, AT 5:30 P.M. - COUNCILMEMBER)
 RONQUILLO)

Councilmember Ronquillo noted this had been an ongoing issue since the removal of parking meters and advised he had received a number of calls relative to available parking for downtown businesses, and made a motion to approve his request and schedule a public hearing to allow input from the business community and to discuss problems and concerns.

Discussion ensued on various parking studies undertaken, purpose of the Council Parking Task Force, and an announcement by City Manager Reid of a hearing on March 26th scheduled by Senator Costa on downtown parking and his suggestion to combine the hearings. Councilmember Ronquillo emphasized input was needed from downtown merchants as they were the ones affected by the downtown parking policy. Councilmember Ronquillo reiterated his motion, which was seconded and acted upon after additional discussion on the reason for Senator Costa's involvement in downtown parking, known problem of downtown parking, and redundancy of hearings, studies, and task forces.

A motion of Acting President Mathys, seconded by Councilmember Boyajian, to close debate and call for the question failed due to the requirement for a super majority vote, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Steitz
Noes	:	Bredefeld, Quintero, Ronquillo
Absent	:	None

Brief discussion ensued on studies conducted with no implementation due to lack of funds, and the Council Task Force purpose and members. Councilmember Ronquillo clarified his request was separate from issues being studied by the Task Force reiterating the hearing would be for downtown merchants who wanted to express their concerns. Upon question of Mr. Reid, Councilmember Ronquillo stated *all* downtown parking issues would probably come up for discussion.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

A motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, to request the City Manager to provide a study of downtown parking by March 16th and schedule a public hearing regarding the study results on March 23rd at 5:30 p.m. failed, by the following vote:

Ayes	:	Boyajian, Mathys, Ronquillo
Noes	:	Bredefeld, Perea, Quintero, Steitz
Absent	:	None

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CLOSED SESSION:

(7A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME:)
5. COF V. FRESNO PACIFIC TOWERS, INC.)

The Council met in closed session in Room 2125 at the hour of 2:52 p.m. to consider the above issue and reconvened in regular open session at 3:26 p.m.

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(3A) (2:30 P.M.) STATUS REPORT FROM STAFF REGARDING FORECLOSURE)
ACTION AGAINST FRESNO PACIFIC TOWERS INC. (SECURITY BANK)
BUILDING) (TO BE DISCUSSED AFTER CLOSED SESSION))

City Attorney Montoy advised Council took action in closed session to ratify the agreement entered into by staff with the firm of Powell and Cardot by a vote of 6 to 1, with Councilmember Ronquillo dissenting; advised Council not to discuss the strengths and weaknesses of the case as litigation had commenced; and noted written documentation had been received from Ms. King, co-owner of Fresno Pacific Towers, and had been distributed to Council and entered into the record, a copy of which is on file in the office of the City Clerk..

City Manager Reid apologized for the process followed in retaining outside counsel, stated actions taken were based on good-faith efforts of pursuing the City's interest in the matter, deferred to the status report given in closed session due to the City Attorney's advice, and advised staff's goal was to ensure that the tenants obtain all services they need in order to maintain their tenancies regardless of what happened.

Saundra King, 3238 E. Huntington Blvd., Fresno Pacific Towers, Inc. co-owner, expressed her concern and opposition to the City's foreclosure action stating it was unethical. Upon question of Acting President Mathys, Ms. Montoy advised any questions of Council first be asked in closed session and then, if necessary, they can be brought out in public.

(6 - 0) Acting President Mathys briefly commented on the history and importance of the Security Bank Building and expressed his hope that it be utilized not only for businesses but also for residential. Councilmember Ronquillo thanked Ms. King for all her efforts, advised of the monetary amount invested in the building by the owners and potential total investment of \$7 - \$8 million in the end, and expressed his hope Council would look at the bigger picture of what this structure would do for downtown Fresno and to give the issue special consideration. Upon question of Councilmember Boyajian, Ms. Montoy recommended Council talk to the law firm retained relative to the 10 points outlined in Ms. King's letter. Councilmember Boyajian acknowledged and commended Ms. King on the tremendous job done in renovating the building and stated he hoped the City could do something to resolve the issue. There was no further discussion.

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(7A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:)
1. A.H.D.C. (WELLINGTON) V. COF)
2. DENNIS ANDERSON V. COF)
3. JOHN SALVESON V. COF, C/O ROSS & CASTILLO)
4. JERYL TURNBULL V. COF, C/O ROSS & CASTILLO)

(7B) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE)
SECTION 54957.6 - COUNCILMEMBER PEREA:)
EMPLOYEE ORGANIZATION: CFPEA)

(7C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT)
EXPOSURE TO LITIGATION:)
1. CLAIM OF ELROE C. DARRINGTON ABA SALRAHC EL)
2. APPLICATION FOR LEAVE TO FILE LATE CLAIM BY LANICE JEANES)

The Council met in closed session in Room 2125 at the hour of 3:40 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

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There being no further business to bring before the Council, the hour of 4:46 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____, 1999.

ATTEST: _____

Ken Steitz, Council President

Yolanda Salazar, Assistant City Clerk